

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4279 of 1998

With C.A.No.7074/98, and

FIRST APPEAL No 4280 of 1998

With C.A.No.7075/98.

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

=====

1. Whether Reporters of Local Papers may be allowed  
to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy  
of the judgement?

4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

-----  
EXECUTIVE ENGINEER

Versus

HEIRS OF DECD.VANDABHAI                   MAKANABHAI

-----  
Appearance:

1. First Appeal No. 4279 of 1998

MR VK JANİ for Petitioner

Miss Valikarimwala, AGP for Respondent No. 2

2. First AppealNo 4280 of 1998

MR VK JANİ for Petitioner

Miss Valikarimwala AGP for Respondent No. 2

-----  
CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 09/04/99

ORAL JUDGEMENT

In these appeals the Executive Engineer, Narmada Project, Main Branch, Vaghodia, has challenged the judgment and award dated 8-9-1997 passed by the learned Extra Assistant Judge, Panchmahals at Godhra in Land Acquisition Reference No.65 and 66 of 1994.

2. The lands in question were acquired pursuant to the notification issued on 19-12-1991 under Section 4 and Notification dated 22-7-1993 under Section 6 of the Land Acquisition Act. The Land Acquisition Officer awarded compensation on the basis of the market price determined at Rs. 2.40 per sq.mt. for irrigated land as per award dated 25-10-1993.

3. Aggrieved by the said award the landholders respondents herein moved the Reference Court. Before the Reference Court, the judgment of the District Court, Panchmahals at Godhra in Reference Case No.109/90 was relied upon. As per the said judgment at Ex.15, for the land in the same village-Ujet Notification under Sec.4 of the Act was published on 28-1-1988 and the market price was determined at Rs.7.95ps per sq.meter. Although the lands in question were irrigated land, the Land Acquisition Officer had determined the price at Rs.2.40 per sq.meter. The Reference Court therefore, determined the market price in this case also at Rs.7.95ps. per sq.meter and accordingly awarded the additional amount at the rate of Rs.5.55ps. per sq.mt.

4. The learned Counsel for the appellants has challenged the aforesaid judgment of the Reference Court on the ground that the Court should not have relied upon the judgment in respect of the Reference for another land even though the said lands were in the same village. The Reference Court has already dealt with the said contention and rejected the same by relying upon the decision of the Supreme Court in the case of State of Madras Vs. A.N.Manjan & Ors., AIR 1976 SC 651 and also on the decision of this Court in the case of Sharadchandra Chimanlal Vs. State of Gujarat & Ors, 27(2) GLR 1363. Hence no fault can be found with the decision of the Reference Court.

5. Even otherwise the amount involved in these appeals are very small. In F.A.No.4279/98 the amount involved is Rs.5461/- and in F.A.No.4280/98 the amount involved is Rs.6241/- including solatium, etc. Hence the Court is not inclined to admit these two appeals.

6. In view of the above discussion, both these Appeals are dismissed.

7. Since the Appeals are dismissed, the Civil Applications do not survive and are accordingly dismissed.

( M.S.Shah J. )